

REMARKS

Claims 20 and 31 have been amended in accordance with the Examiner's suggestion in order to overcome the Examiner's objections thereto. In addition, claim 21 has been amended to clarify the card movement in the card stop apparatus. No new matter has been added by these amendments.

Claims 1-23, 26-27, 29, 31-33, 36-37 and 39 have been rejected by the Examiner under 35 USC 102(b) as being anticipated by U.S. 4,358,103 to Koike, et al.

It is well known that anticipation under 35 USC 102(b) is established only when a single prior art referenced discloses, expressly, or under principle of inherency, each and every element of the claimed invention. RCA Corp. v. Applied Digital Data Systems, Inc. 221 USPQ 385 (Fed. Cir. 1994).

Further, the Applicants submit that anticipation must meet strict standards, and unless all of the same elements are found in exactly the same situation and united in the same way to form identical function in a single prior art reference, there is no anticipation. Tights, Inc. v. Acme-McCrory Corp. et al. 191 USPQ 305 (CAFC 1976).

Bearing in mind this criteria, a study of the claims rejected by the Examiner provide for a card stop disposed in a path of the card inserted into the card reader.

The Examiner has concluded that Koike, et al. teaches a card stop apparatus for card reader and refers

specifically to Figures 5a-5d for disclosing such a card stop.

The Applicants take exception to this conclusion. Koike, et al., in fact, does not teach or suggest any card stop in the card reader disclosed. Clearly, the card 28 inserted, as shown in 5a, is transported through the apparatus and exits the right hand side thereof, as shown in Figure 5d. As set forth in column 5, beginning at line 29, the magnetic card 28 is advanced and upon release thereof from the feed roller 9-3 and press roller 14-3, all the components return to the original state. Thus, the card is not stopped when passing through the apparatus.

Accordingly, it must be concluded that the magnetic head 18 and the press roller 14-2 do not form a card stop.

The magnetic head 18 and the press roller 14-2 are mounted to the lever 19 which is rotatable about an axis 16 and pretensioned by spring 24 into the card path. When a magnetic card 28 is inserted into the card reader the card 28 is transported between the feed roller 9-2 and the press roller 14-2 without being stopped (column 4, lines 44-47), but the leading edge of the card 28 lifts the feed roller 9-2 and the press roller 14-2 against the biasing force of the spring 24.

In other words, the magnetic card 28 is pinched between the feed roller 9-2 and both the press roller 14-2 and the magnetic head 18. As a result, the lever 19 is lifted around the shaft 16 in the direction opposite to the arrow 25 and against the biasing force of the spring 24 (column 4, lines 48-62). As the spring 24 is supported on

the lever plate 11 which is deflected by the inserted card 28, the biasing force of the spring 24 varies depending on the insertion of the card and is strongest when the card is below the magnetic head. The lever plate 11 does not actuate the feed roller 9-2 or magnetic head 8. The shaft 16, i.e. the rotation axis of the magnetic head 18 and press roller 14-2, extends parallel to the leading or the rear edge of the introduced magnetic card 28 but not traverse to the plane of the inserted card.

In contrast thereto, the card stop 4 of the apparatus according to the invention forms an abutment for an inserted card 2 in the completely inserted position and is actuated by the arm 7 which, seen in the inserting direction 3 of the card 2, engages in the card path behind the card stop 4.

Thus, the Applicants submit that a rejection of claims 21-23, 26-27, 29, 31-33, 36-37 and 39 under 35 USC 102(b) on the basis of the Koike, et al. reference is not sustainable. There is no element taught or suggested in Koike, et al. which anticipates the card stop element in accordance with the present invention and further there is no taught structure which functions in a manner similar to the structure in the present invention.

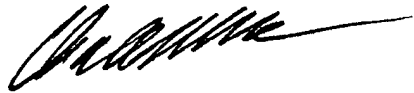
Further, there can be no inherent teaching of the present invention in view of the fact that the object of the Koike, et al. reference is to insure smooth transport of magnetic card through the apparatus as set forth in column 1, lines 53-55.

Therefore, the Applicants respectfully request the Examiner to withdraw the rejection of claims under 35 USC 102(b) on the basis of the Koike, et al. reference.

The Applicants acknowledge the Examiner's recognition of allowable subject matter in claims 24-25, 28, 30, 33-35, 38 and 40 and respectfully decline to amend these claims to overcome the Examiner's objection thereto in view of the traverse of the claims rejected under 35 USC 102(b).

In view of the arguments hereinabove set forth and amendment to the claims, it is submitted that each of the claims now in the application define patentable subject matter not anticipated by the art of record and not obvious to one skilled in this field who is aware of the references of record. Reconsideration and allowance are respectively requested.

Respectfully submitted,



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